


as defined in the pending claims is made obvious by claims 1 and 6 of the Osuga patent in view of the teaching of the Iguchi patent. Nevertheless, to make this matter mute, please find enclosed with this Amendment a Terminal Disclaimer To Obviate A Double Patenting Rejection.

In Section No. 5, the Examiner rejects claims 1-5 under 35 U.S.C. §103(a) as being obvious from the teaching of United States Patent No. 4,579,183 to Irikura et al. (the Irikura patent) in view of the teaching of United States Patent No. 4,513,834 to Hayashi et al. (the Hayashi patent) and, furthermore, in view of the teaching of the Iguchi patent.

As a brief summary, the Applicants' invention is directed to a tractor having a transmission case disposed adjacent to the rear wheels with the rear axle of the rear wheels supported by the transmission case. The first frame and second frame of a framework are connected to the sides of the transmission case. A rollover protection system is situated behind and apart from the transmission case. The rollover protection structure is separately supported by the first frame and the second frame of the framework. By connecting the transmission and the rollover protection structure at spaced apart locations along the framework, a load applied to the rollover protection structure is prevented from being conveyed to the transmission case. This arrangement permits a more stable support structure even when a relatively slim framework is employed. Claims 1 and 3 have been amended to highlight this feature, while claim 2 has been amended to move one of its elements into independent claim 1.

While the Irikura patent discloses and Figs. 1 and 2 suggest that first and second frames may be attached to a transmission casing, and the Hayashi patent in Fig. 1 shows left and right frames of a tractor body attached to a transmission casing, neither of these patents teaches nor suggests a rollover protection system associated at all with these vehicles and, therefore, neither teaches nor suggests a design for attaching such a rollover protection structure. The Examiner cites the Iguchi patent as an example of a tractor having such a rollover protection structure. However, as evident from Figures 1 and 2, the rollover protection structure is clamped



directly to the transmission case 18 through the rear axle housings 4. As a result, loads transmitted through the rollover protection structure in the Iguchi patent are transmitted directly to the transmission case 18 through. The Applicants' invention, as found in claim 1 avoids this design by physically separating the attachment of the first frame and second frame to the transmission case and to the rollover protection structure. Finally, there is neither a teaching nor a suggestion in the Iguchi patent of moving the clamped support for the rollover protection structure to a different location, and it would be impossible to locate the rollover protection structure to a different location since there are no other locations in the Iguchi patent that appear to be capable of accepting such a clamp.

For these reasons, the Applicants believe that claims 1, 3 and 6 are patentably distinct over the teachings of the Irikura patent in view of the teachings of the Hayashi patent and further in view of the teaching of the Iguchi patent. Furthermore, by way of their dependence upon what is believed to be patentably distinct independent claim 1, dependent claims 4 and 5 are also believed to be patentably distinct.

Additionally, new claims 6-8 have been added to provide a second independent claim directed to this embodiment. Claim 6 is believed to be patentably distinct for the same reasons as claim 1 while claims 7 and 8 are believed to be patentable based on their dependence upon independent claim 6. Finally, new independent claim 9 has been added including the subject matter of claim 1 from the issued Osuga patent along with the additional element of the rollover protection structure.

Reconsideration of claims 1-5 and allowance of claims 1-9 are respectfully
requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By James Porcelli
James G. Porcelli
Registration No. 33,757
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094